

FILED

2011 APR 26 PM 1:47

M.L. HATCHER, CLK
U.S. BANKRUPTCY COURT
W.D. OF WA AT SEATTLE
BY _____ DEP CLK

Honorable Judge Marc Barreca

Chapter 13

Hearing Date: May 5, 2011

Hearing Time: 9:30 AM

Hearing Site: Courtroom 7106

Response Date: April 28, 2011

IN THE UNITED STATE BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

Rodolfo M. Masangkay and
Asiatica E. Masangkay

Debtors,

Rodolfo M. Masangkay
Asiatica E. Masangkay,

Plaintiff,

V.

Key Bank National Association and
LVNV Funding, LLC,

Defendants,

CHAPTER 13 BANKRUPTCY

ADVERSARY NO: 11-01207-MLB

BANKRUPTCY CASE NO. 09-13671-MLB

CONTINUANCE OF FIRST FILING IN RESPONSE
TO APPEARANCE OF LVNV FUNDING, LLC

This is to notify the court that I am following up my response to the deadline of LVNV Funding, LLC. I already filed to the court last April 14, 2011, at 11:32 AM. I have the same wordings on my response.

Your honor, please consider my plea to this motion. Copy enclosed of the response last April 14, 2011, and also a copy that my attorney filled of Complaint of determination of secured status pursuant to 11 U.S.C. 506.

Respectfully submitted on April 26, 2011

By:

Asiatica E. Masangkay
Asiatica E. Masangkay

Prose

FILED

2011 APR 26 PM 1:55

M.L. HATCHER, CLK
U.S. BANKRUPTCY COURT
W.D. OF WA AT SEATTLE

BY _____ DEP CLK

Honorable Judge Marc Barreca

Chapter 13

Hearing Date: April 15, 2011

Hearing Time: 9:30 AM

Hearing Site: Courtroom 7106

Response Date: April 15, 2011

**IN THE UNITED STATE BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

IN RE:

Rodolfo M. Masangkay and
Asiatica E. Masangkay

Debtors,

Rodolfo M. Masangkay
Asiatica E. Masangkay,

Plaintiff,

V.

Key Bank National Association and
LVNV Funding, LLC,

Defendants,

CHAPTER 13 BANKRUPTCY

ADVERSARY NO: 11-01207-MLB

BANKRUPTCY CASE NO. 09-13671-MLB

RESPONSE OF APPEARANCE OF LVNV
FUNDING, LLC

Your honor I am taking this privilege of discussing to you concerning this Adversary Hearing with Key Bank. This has taken a big part of our misery; we were victimized by a fraudulent act of this big company. I beg your honor to disallow this company to prolong their torture and discrimination on us. We already won this case over Key Bank, so please do not let them crush my family even more. We have a lot of mending from the pain that this cost us, and we still have to rebuild the dreams which were ruined by this bankruptcy. We have yet to fill

the good life that was taken from us, and will come back to normal. My family has a big cry, but no sounds, while we have a big empty space, yet too narrow to move. I want our rights back your honor. The right to be free to handle what belongs to us, the right to stop the greed of those people of enjoying our hard earned money, and the right to be treated like everybody else.

Respectfully submitted on April 14, 2011


By: Asiatica E. Masangkay

Prose

UNITED STATES BANKRUPTCY COURT
Western District of Washington

COPY

In Re:

Rodolfo M. Masangkay and Asiatica E. Masangkay,
Debtor(s).

Case Number: 09-13671-MLB

Adversary Case Number: 11-01207-MLB

(ALL DOCUMENTS REGARDING THIS MATTER
MUST BE IDENTIFIED BY BOTH ADVERSARY AND
BANKRUPTCY CASE NUMBERS)

Rodolfo M. Masangkay and Asiatica E. Masangkay,
Plaintiff(s),

v.

Key Bank National Association and LVNV Funding, LLC,
Defendant(s).

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint with the Clerk of the Bankruptcy Court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk: U.S. Bankruptcy Court
700 Stewart St, Room 6301
Seattle, WA 98101

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney (or plaintiff if not represented by counsel).

Name and Address of Plaintiff's Attorney (or Plaintiff not represented by counsel):

Sheila M O'Sullivan
Leen & O'Sullivan PLLC
520 E Denny Way
Seattle, WA 98122-2100

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

COPY

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

Rodolfo M. Masangkay
Asiatica E. Masangkay

Debtors.

Rodolfo M. Masangkay
Asiatica E. Masangkay,

Debtors.

v.

Key Bank National Association and LVNV
Funding, LLC

Defendants.

No. 09-13671-MLB

Adversary No. 11-01207-MLB

COMPLAINT FOR DETERMINATION OF
SECURED STATUS PURSUANT TO
11 U.S.C. 506

Comes now the Plaintiffs, Rodolfo M. and Asiatica E. Masangkay, by and through
their attorney, Sheila O'Sullivan, and files the within Complaint for Determination of Secured
Status, of which the following is a statement:

I. PRELIMINARY STATEMENT

1.1 This is an action by the Debtors to determine the extent to which the
Defendant's claim can be secured by Debtor's primary residence located at 409 Maple Ave.
NW, Renton, WA 98055. Tax Assessor's Parcel No. 420240-0325-08 and legal description:

COMPLAINT FOR DETERMINATION OF
SECURED STATUS PURSUANT TO 11 U.S.C. 506 - 1



Leen & O'Sullivan, PLLC
520 EAST DENNY WAY
SEATTLE, WASHINGTON 98102
(206) 325-6022
FAX (206) 325-1424

LOT 19, BLOCK 4, LATMER'S LAKE PARK ADDITION, ACCORDING
TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS,
PAGE 63, IN KING COUNTY, WASHINGTON.

1.2 This action is filed pursuant to 11 USC § 506.

II. JURISDICTION

2.1 This Court has jurisdiction over this proceeding pursuant to 28 USC
§157(b)(2)(K). This is a core proceeding.

III. PARTIES

3.1 Plaintiffs, Rodolfo M. and Asiatica E. Masangkay, are a married couple
residing at 409 Maple Ave. NW, Renton, WA 98055. Plaintiffs filed for relief under
Chapter 13 of the U.S. Bankruptcy Code on April 17, 2009, case number 09-13671-MLB.

3.2 Defendant Key Bank National Association (hereinafter "Key Bank") is an Ohio
corporation doing business in the State of Washington. Defendant LVNV Funding, LLC
(hereinafter "LVNV") is a Delaware corporation doing business in the State of Washington.

IV. FACTS

4.1 Defendant Key Bank or LVNV holds a third deed of trust on the residence
located at 409 Maple Ave. NW, Renton, WA 98055. Said real property is currently held in
the name of Rodolfo M. and Asiatica E. Masangkay, a married couple.

4.2 On April 17, 2009, Plaintiff filed for relief under Chapter 13 of the U.S.
Bankruptcy Code.

4.3 At the time of the Petition filing, the alleged balance of the third deed of trust
was estimated to be \$86,472.93.



2 4.4 Counsel for Key Bank believes that the note and deed of trust for this alleged
3 third place lien has been sold and assigned to LVNV Funding, not merely assigned for
4 collection. No evidence of that assignment is available, so both parties have been named.

5 4.5 Pursuant to Order of this Court dated January 6, 2011, Key Bank NA/LVNV's
6 claim was disallowed as being invalid and a "phantom" loan duplicative of the second deed of
7 trust held by Key Bank. Therefore, Key Bank/LVNV should not be permitted to retain its lien
8 which represents a non-existent debt.

9
10 WHEREFORE, the Plaintiff respectfully requests that this Court enter a judgment
11 disallowing any secured interest to Defendant, quieting title in the property against Key
12 Bank and/or LVNV Funding as to its third deed of trust on the property represented by loan
13 number 4731500148563 and for such other relief as may be necessary and proper under the
14 law.
15

16
17 DATED this 4th day of March, 2011.
18

19 /s/Sheila M. O'Sullivan

20 Sheila M. O'Sullivan
21 Attorney for Debtor

WSBA #28656

